

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

REBEKAH SHROPSHIRE,	§	
	§	
Petitioner,	§	
VS.	§	CIVIL NO. 2:13-CV-230
	§	
WILLIAM STEPHENS, Director,	§	
TDCJ-CID, ¹	§	
	§	
Respondent.	§	

OPINION AND ORDER OF TRANSFER

This is a habeas action filed by a state prisoner incarcerated at TDCJ-CID's Crain Unit in Gatesville, Texas (D.E. 1). She challenges a 2009 DeWitt County conviction for Murder (*Id.*).

A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); Wadsworth v. Johnson, 235 F.3d 959 (5th Cir. 2000). Petitioner's place of incarceration is in the Waco Division of the Western District of Texas, 28 U.S.C. § 124(d)(2), and she was convicted by a court located in the Victoria Division of the Southern District of Texas. 28 U.S.C. § 124(b)(5). Even though the Corpus Christi Division is part of the Southern District of Texas, 28 U.S.C. § 124(b)(6), and thus the Court has jurisdiction to hear and decide the petition, there is no connection to the Corpus Christi Division.

¹ William Stephens, as the Director of TDCJ-CID, is Petitioner's custodian. The Clerk shall substitute Mr. Stephens as the Respondent. Rule 2(a), Rules Governing Section 2254 Cases; Fed. R. Civ. P. 25(d).

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. §§ 1404(a) and 1406(a). A habeas application may be transferred in furtherance of justice to the district court within which the State court was held which convicted and sentenced the petitioner. 28 U.S.C. § 2241(d). Because petitioner was convicted in DeWitt County, it is more convenient and would further the interests of justice for this action to be handled in the Victoria Division of the Southern District of Texas. The records of her conviction, the prosecutor and defense lawyer, and the witnesses are all located in the Victoria Division of the Southern District of Texas.

Accordingly, it is ordered that the Clerk of the Court TRANSFER this action to the United States District Court for the Southern District of Texas, Victoria Division. All pending motions are denied as moot and subject to renewal after the case is transferred.

SIGNED and ENTERED this 5th day of August, 2013.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE